

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

August 8, 2007

The meeting was called to order at 4:02 p.m. by Acting Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Jack Matheson, Terry Mills, Phil Conder and Dale Clayton

ABSENT: Harold Woodruff

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Lehman, Steve Pastorik, Hannah Thiel and Lori Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Asst. City Attorney

AUDIENCE

Approximately ten (10) people were in the audience.

ZONE CHANGE APPLICATION:

Z-12-2007

Arbor Residential Properties

5764 West Parkway Blvd.

Zone Change from A to RM

4.0 Acres

Mr. Steve Pastorik presented the application.

Chris Drent with Arbor Residential Properties has submitted a zone change application for three parcels totaling 4.0 acres located at approximately 5764 West Parkway Blvd. The property is currently zoned A (agriculture) and is classified as light manufacturing or mixed use in the General Plan. Also, the text of the General Plan states the following:

“Most of the developable areas in the Northwest Quadrant would be appropriate for mixed use developments. The northwest corner of Parkway and 5600 West is particularly well suited for a high density mixed-use development because it’s adjacent to a major transportation corridor, the future additions to the Lake Park Corporate Center, and possibly an intersection on the Legacy Highway.” (The Legacy Highway is now referred to as the Mountain View Corridor.)

Mr. Drent is requesting the RM (residential, multi-family) Zone.

Surrounding zones include A-1 to the west and RM to the north, south, and east. Surrounding land uses include vacant land to the north, west, and east and the Balmoral townhomes (about 9.5 units/acre density) to the south. The Mountain View Corridor is planned directly east of the subject property with a partial or half interchange on the south side of Parkway Blvd. Last year the City approved zoning for a mixed use development on property to the north and east which includes 8.4 acres of commercial along 5600 West and a mix of 156 stacked flat condos (15.3 units/acre), 84 townhomes (11.2 units/acre), and 35 single family homes (5.2 units/acre). The density of the residential component of this proposed mixed use development to the north and east including the planned park space is 10.5 units/acre.

If this application is approved, the recently adopted multi-family residential design standards would apply to the residential portion of this proposal. As a reminder, here’s a quick review of the major ordinance requirements: pedestrian circulation, 100% masonry exteriors, building relief, window treatments, building

design treatments, garage treatments, roof treatments, laminated architectural shingles, amenities and open space. Staff has provided the applicant with an initial compliance review of these standards.

Development Proposal

If this rezone application is approved, the applicant plans to demolish the existing homes on the property. Attached to this staff report is a concept plan for the subject property which includes 60 condos, yielding a density of 15 units/acre. Also attached to this report are two renderings – one of an individual condo building and one of the entire project. The condos proposed are 3 level stacked flats (similar to what was proposed on the property to the east) with 12 units per building. Each unit would have a parking space within a garage and one uncovered space. Arbor Residential provided a written proposal entitled “Proposal for Parkway Condominiums” including development commitments, which is attached.

Staff Concerns

Special Improvement District

All of the subject property was included in a special improvement district (SID). Although the SID payments are not a issue for the rezoning request, if this application is approved, staff would like to work with the property owner and future homeowner’s association to avoid sending SID bills to individual condo owners.

Project Size

The condominium ordinance, which would apply to this project, states:

“Condominium development shall have an area greater than five acres. However, the Planning Commission may consider development proposals less than five acres, but not less than one acre, if the development is guided by a total design plan in which three or more of the following development standards are applied or varied to allow flexibility and creativity in site design, building design, and location.

(a) Development. The Planning Commission may require arrangements of structures, open spaces, landscaping, buffering, and access within the development as necessary. The Commission may require specific setbacks, a lower residential density, a height limitation, and/or a similar type of land use as adjoining land. These criteria shall be used by the Commission to assure that adjacent properties will not be adversely affected by the development and that the development will be compatible with the land use in the surrounding (b) Construction Materials. Quality exterior materials including brick, stone, stucco, or other materials of similar high

quality, durability, and low maintenance may be provided, as accepted by the Planning Commission.

(c) Interior Amenities. Quality interior provisions, including amenities such as a fireplace, vaulted ceilings, and in-unit washer/dryer hookups.

(d) Fencing. Exterior fencing shall include architecturally designed brick or block fences, wrought iron fences, structural wood fences, vinyl fences, or a combination of these materials.

(e) Parking. Covered parking and/or garages may be required for all units.

(f) Pedestrian and Bicycle Paths. Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential, and recreational facilities in or adjacent to the development.

(g) Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping, and sound reducing construction techniques shall be used for the enhancement of property and the privacy of its occupants.

(h) Security. The development may be designed to support security services, taking into account public safety recommendations from the West Valley City Police Department.

(i) Landscaping. The development site may be landscaped and should be composed of natural landscaping elements, including lawn, shrubs, ground covers, and a combination of evergreen and deciduous trees.

(j) Home Owner's Association. The development may be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.

(k) Recreational Amenities. Each development may provide recreation or site amenities, including, but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.”

Since this project would be under 5 acres, the project would need to include at least 3 of the development standards listed above. Based on the information submitted for the rezone, staff would give credit for the following items from the above list:

- (a) Development. The conceptual plan includes buildings that are a similar height and mass of the buildings proposed to the east.
- (b) Construction Materials. 100% masonry is proposed and is now

required by the ordinance. (The condo ordinance predates the multi-family design standards ordinance).

- (c) Parking. All units will have a one car garage.
- (d) Fencing. Pre-cast masonry and wrought iron fencing is proposed.
- (i) Landscaping. All common areas will be landscaped. Typically, landscaping details are worked out during the subdivision review process.

Other items could also be considered as more details on the project are provided.

Concept Layout and Open Space

The condo ordinance requires that “open space shall be provided and shall not be less than 50 percent of the site area in residential condominiums which contain multiple unit structures having three or more units per structure.” “Reduction may be made to this percentage of required open space by the Planning Commission and upon a showing that the open space in the site area will provide amenities; which will substantially meet the needs of future residents.” The concept plan submitted shows 44% open space or landscaping and sidewalks. In staff’s opinion, either the amount of open space should be increased or the amount of amenities should be increased. One option to increase the amount of open space and to increase the efficiency of the parking lot would be to eliminate all single loaded parking areas (driveways with parking or garages on only one site).

Bike Plan

Both the long and short range bike plans show a class 2 bike route along Parkway Blvd. A class 2 route is one that is striped specifically for bike use adjacent to auto travel lanes. Staff will explore possible options for implementing the bike plan before the public hearing.

Development Agreement

On recent rezone applications involving multi-family housing, the City has required a development agreement. These agreements have included items that are proposed by applicants in their conceptual plans. Staff recommends that the following items be covered in the development agreement:

1. As with other multi-family residential development agreements, staff recommends that three requirements be added that address the installation, inspection, and maintenance of off-site improvements.
2. The concept plan shows condos that would be for-sale product. Staff recommends that the development agreement require all dwelling units to be constructed as for-sale product as the applicant has proposed and not rental housing.
3. Staff recommends that an entrance feature be provided.
4. As proposed by the applicant, staff recommends that wrought iron fencing be installed on the south and east sides of the property. For the west side of the

property a sound wall is required. Additional coordination with UDOT is needed before specifics on the sound wall are outlined in a development agreement.

5. The transfer of development rights (TDR) ordinance applies to this property. While an initial offer of \$50,000 was made for TDR, the applicant needs to supply the City with an appraisal to determine an appropriate TDR value. Since the General Plan mentions that this location is well-suited for high density, which starts at 10 units/acre, staff recommends that the appraisal consider the land value at 10 units/acre and at 15/units/acre. The TDR cash in-lieu of payment would be half the difference of the appraised values.
6. The condo buildings shall be built substantially like the elevations submitted with the exception of item 7 below and that all of the requirements in Chapter 7-14 Part 3 of the Zoning Ordinance shall apply to all the buildings within the development as well as the site layout/design and open space.
7. The building elevations should be modified by adding more stone through a taller wainscot around the building perimeter and on more of the stairway columns.
8. In addition to the multi-family design standards in Chapter 7-14 Part 3, the TDR design criteria in Section 7-26-107 (4)(d) apply to this development.

Applicant:

Chris Drent

45 West 10000 South, #301

Concerned:

Gary Kennard

5679 West 3640 South

Discussion: Steve Pastorik asked the applicant about creating more open space by closing a gap. Commissioner Matheson suggested the long rod iron fence along Parkway Blvd. and along the east side of the development should meander with landscaping placed in front of the fence. He thought this would make the appearance more attractive and comfortable. Mr. Chris Drent said he would obtain a rendering and could add this to the landscaping plan, reminding that the plans are only preliminary. Steve Pastorik assured that conditions could be set as future phases are accomplished for this property. Commissioner Conder inquired about the sound barrier wall along the west side of the property. Mr. Drent explained that when the Mountain View Corridor is built, it will be elevated. He assured they will not have a problem putting in an 8-foot masonry wall. Commissioner Mills suggested perennials to buffer the windows and the sound from the freeway. Mr. Drent stated they will research anything to help with the sound issue, but the road will be higher than the rooftops. Steve acknowledged the pavement will be 25-feet above the existing grade. Commissioner Mills asked about building insulation, concerned that home owners will not be able to escape the noise from the freeway. Mr. Drent reported the common walls will have two 6-inch walls with an air gap which should help with the noise issue. He mentioned UDOT will also place a sound wall which will help.

Mr. Gary Kennard lives a few blocks south of this development and he was concerned about traffic issues. He cautioned the City of what is occurring on and near 5600 West, stating it is very busy as-is. There are many residential units being built near 5600 West, and that road is already a problem.

Commissioner Matheson mentioned this development would be more dense than Balmoral, with 15-units instead of 12-units per acre. He acknowledged the applicant must purchase TDR's for the additional density, but he was not sure if pushing the density was the correct direction for the area. Commissioner Mills was concerned about density, and the appropriateness of changing the zoning. She indicated this would not be a desirable place to live stating there would be a lack of quality living next to the freeway. Commissioner Mills thought it might help if the density was reduced or a level of the units eliminated. Commissioner Matheson said he would be more comfortable with the application if they would match the 12-units per acre similar to Balmoral. Commissioner Clayton reminded that as West Valley runs out of land, units will go more vertical and higher density will be more common. Commissioner Conder mentioned the surrounding zones are 'RM', and he wondered what else would fit on this property. Acting Chairman Fuller perceived this would be the best use for this property. Commissioner Matheson said he would be happy with 48 units, stating the area should be zoned as 'RM' or mixed use. He commented single family homes would not work at this location.

Mr. Drent told the Commission they tried to match the density of developments to the east of this property which was 15.9 units per acre. He explained this would not be a successful location for commercial, as it is not a high traffic area. Mr. Drent indicated they must have five buildings for this development to be feasible. He commented the units will go for approximately \$165,000.00 to \$175,000.00 per unit. Commissioner Matheson reminded that the adjacent development includes single family units, reducing the overall density. He perceived if the density was reduced and open space created for this development, it could be more competitive with the adjacent development. Mr. Drent assured that four buildings would not work financially for this development. He mentioned there is not much that can be done with this property due to the surrounding areas. Commissioner Matheson asked if the applicant had considered access off of Parkway Blvd. Mr. Drent answered yes, but they did not pursue it due to safety issues. Steve informed that this development will have limited access due to the Mountain View Corridor. Commissioner Conder asked if the bike path should be included in the motion. Commissioner Matheson replied yes, but he wanted the bike path to have a striped lane on the road, not on the sidewalk.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Clayton moved for approval of the zone change from 'A' to 'RM' subject to a development agreement including the standards recommended by staff (1-8) and four additions (9-12):

1. As with other multi-family residential development agreements, staff recommends that three requirements be added that address the installation, inspection, and maintenance of on-site improvements.
2. The concept plan shows condos that would be for-sale product. Staff recommends that the development agreement require all dwelling units to be constructed as for-sale product as the applicant has proposed and not rental housing.
3. Staff recommends that an entrance feature be provided.
4. As proposed by the applicant, staff recommends that wrought iron fencing be installed on the south and east sides of the property. For the west side of the property a sound wall is required. Additional coordination with UDOT is needed before specifics on the sound wall are outlined in a development agreement.
5. The transfer of development rights (TDR) ordinance applies to this property. While an initial offer of \$50,000 was made for TDR, the applicant needs to supply the City with an appraisal to determine an appropriate TDR value. Since the General Plan mentions that this location is well-suited for high density, which starts at 10 units/acre, staff recommends that the appraisal consider the land value at 10 units/acre and at 15 units/acre. The TDR cash in-lieu of payment would be half the difference of the appraised values.
6. The condo buildings shall be built substantially like the elevations submitted with the exception of item 7 below and that all of the requirements in Chapter 7-14 Part 3 of the Zoning Ordinance shall apply to all the buildings within the development as well as the site layout/design and open space.
7. The building elevations should be modified by adding more stone through a taller wainscot around the building perimeter and on more of the stairway columns.
8. In addition to the multi-family design standards in Chapter 7-14 Part 3, the TDR design criteria in Section 7-26-107 (4)(d) apply to this development.
9. Each condo shall have its own garage space.
10. A four-foot bike lane in the street shall be located along the north side of Parkway Blvd.
11. The developer shall research ways to make the long iron fencing

- along Parkway more attractive.
12. The developer shall be required to meet the 50% open space required by West Valley's condo ordinance.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – Z-12-2007 – Approved

ZONE TEXT CHANGE APPLICATION:

ZT-6-2007

Zone Text Change Agriculture Zone

Staff Presentation by Hannah Thiel, Planner I

Ms. Hannah Thiel presented the application.

Legal Authority

7-6-211 Livestock Limitations

Background

Staff is requesting a zone text change for the Agriculture Zone Ordinance. This need for a zone text change came to staff's attention with increased complaints about neighbors' pigs. Staff feels that although pigs may not be as tall as some large sized animals, they often have a greater presence on a piece of property than some other medium sized animals. This text change would change the number of points awarded to a pig. Pigs are currently worth 20 points for a medium sized animal. A person could have 10 pigs on one acre of property. This text change would move pigs from being a medium sized animal to a large sized animal,

where a property owner could have fewer pigs on their property. This would allow 5 pigs on one acre of property as large animals are worth 40 points.

Planning Commission expressed a great degree of concern with this text change in the Study Session held on August 1, 2007. The concern is that individuals that may want to raise pigs for business would have difficulty making a profit. It was noted that to reduce the number of pigs allowed on a piece of property would further limit a property owner's right to their property under the agriculture zoning and that if well maintained, pigs are not a nuisance to neighbors.

Staff recognizes the Planning Commission's concerns. Unfortunately, it is difficult to maintain any type of agricultural animals next to higher density residential neighborhoods due to smells and impacts from animals. It is for those neighborhoods that this text change is requested. The ordinance does allow more than the minimum number of pigs with review from the Planning Commission. This may allow an opportunity to assess the property and potential maintenance impacts prior to a pig farm being set up and becoming a problem. If an individual with a larger number of pigs was to set up next to a residential area, and had to have an application reviewed by the Planning Commission, he or she may understand the importance of maintenance to a greater degree than an individual who did not have the issue of maintenance brought to their attention. Staff does not seek to put more limitation on agriculture use on an agriculture zoned piece of property. It is simply to allow nearby residents, who are not zoned agricultural, the enjoyment and peace of their property.

Discussion: Commissioner Conder commented that pigs would fit best into the medium sized animal category. Hannah Thiel explained that they were in the medium sized category, but pigs have a greater presence than other medium sized animals. Commissioner Conder asked if pigs grow taller than 40-inches. Hannah replied they can weigh as much as a horse, but she did not know how tall they could grow. Mr. Clayton mentioned five pigs on an acre is plenty, and if a property owner desires more pigs, they can apply for a conditional use. Commissioner Mills was concerned about the increasing restrictions with agricultural lots. She said if ten pigs are cared for properly, there will not be a problem. Commissioner Mills did not believe there should be an ordinance change due to one property owner who has not cared properly for their own pigs. Commissioner Fuller agreed, stating this ordinance change was suggested after an isolated instance with one property owner. He perceived the problem is more of an enforcement issue rather than an ordinance issue.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Mills moved for denial of the text change.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Clayton	No
Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – ZT-6-2007 – Denied

CONDITIONAL USE APPLICATIONS:

C-19-2007

Value Place Hotel

1650 West 3500 South

General Commercial zone, 2.23 acres

Ms. Hannah Thiel presented the application.

Legal Authority

7-6-1002 Commercial Zones Schedule of Uses

Background

Alex Gurski is requesting a conditional use approval for an extended stay hotel located at 1650 West 3500 South. This project has 121 rooms in a 10,680 square foot building that is 50'-7.5" tall. Mr. Gurski is the architect for this project. A hotel is a conditional use in a 'C-2' or general commercial zone. This property occupies 2.23 acres of land. The General Plan designates this property as mixed use or general commercial.

The applicant has noted in the attached letter that rates are based on weekly occupancy. On June 6, 2007 this hotel went to the Board of Adjustment for the

amount of coverage the wall signs take up. As the wall signs include the cupola, there was too much signage per elevation. Because there are no pole or monument signs proposed, the additional square footage for the wall signs was granted by the Board. The hotel's minimum parking requirements are 151 parking spaces. The current site plan supplies 151 spaces. A hotel's parking requirements are 1.25 spaces for each room where cooking facilities are provided. There is also 8 bike parking spaces shown on the site plan and 8 spaces are required by ordinance. Landscaping for the site exceeds the required landscaping for the site using 17.86% of the site for landscaping, with the requirement of 15%. As this project is located on 3500 South and requires streetscape improvements; the applicant is working with staff to accommodate all design standards for the streetscape on 3500 South.

The property on all sides of 1650 West 3500 South are zoned C-2 and are designated mixed use or general commercial under the General Plan. As the surrounding uses are zoned General Commercial, staff does not see this use adversely affecting neighbors or neighboring zones.

Planning Commission Concerns

The Planning Commission members issued concerns regarding this project at the Study Session held on June 20, 2007. The concerns are as follows:

1. The architecture needs significant work to meet the city ordinances and to create a nice presence on 3500 South.
2. The streetscape for 3500 South should be carefully planned to meet the streetscape provisions for Redwood Road and 3500 South.
3. The hotel should have some amenities incorporated into it. Amenities could include a gathering place/courtyard, a pool area, a tot lot, an exercise room, or other features that could enhance the project and location.

The application was continued from Planning Commission Public Hearing on June 27, 2007 so that staff could assess the new architectural renderings. In addition, the applicant expressed issues with transmission and distribution power lines running through the property which would affect the site plan layout, pushing the building to the back of the parking. Planning Commission expressed concern in Study Session on July 3, 2007 regarding the building location being away from the street as the purpose of the streetscape plan on 3500 South and Redwood Road is to bring buildings to the street for a more pedestrian friendly atmosphere. The proposed site plan puts the building closer to 3500 South. This allows the transmission line to remain untouched, but requires the distribution line to be moved underground around the property.

Planning Commission expressed the following concerns at the Study Session on August 1, 2007. The concerns are as follows:

1. That the brick panel may not have the same aesthetic quality as real brick.
2. That although the hotel meets the ordinance for the amount of masonry (assuming the brick panel is a type of masonry, which will be determined once a sample is viewed), it may be more aesthetically pleasing to use more than the required percentage of masonry.
3. That the hotel should have some amenities incorporated into it. Amenities could include a gathering place/courtyard, a pool area, a tot lot, an exercise room, or other features that could enhance the project and location.
4. That there should be a speed bump placed in the most western drive aisle that runs north to south, to mitigate potential drivers from using that drive aisle as a 'shortcut' in getting to Redwood Road.

Applicant:

Alex Gurski

19100 Van Karman, #550

Favored:

Shelli Swan of Value Place

8621 E. 21st N.

Discussion: Mr. Alex Gurski discussed the limitations of the site and the many changes made after staff and the Commission's suggestions. Commissioner Matheson asked how many double studios vs. single studio were in the hotel. Ms. Shelli Swan answered 72 studios and 49 double units. Commissioner Matheson asked what type of clientele they usually have. Ms. Swan replied it matters on the market, but many are traveling IT consultants and nurses. She explained it could also be more families if located in residential areas. Commissioner Matheson asked how long a client will normally stay. Ms. Swan said 7-10 days. Mr. Gurski showed the Commission an example of the brick paneling. Ms. Swan told the Commission they have 50 hotels that are currently open and 43 that are under construction. She noted all the hotels use the brick panels. Mr. Gurski believes the brick panels provide a nice alternative to 100% hardy plank. Commissioner Mills asked what the panel sizes were and how the joints are hid. Mr. Gurski answered 4' X 6' panel sheet. He did not know how the joints were hid, but said you cannot see the joints at all.

Acting Chairman Fuller thought the brick panel was made out of a wood product. Ms. Swan assured it is a masonry product, stating she could put the Planning Commission in contact with the product representative.

Commissioner Mills suggested the south elevation facing 3500 South needed more window treatments because it is on a main road. Ms. Swan and Mr. Gurski said they could look into this suggestion.

Commissioner Matheson asked why the hotel does not have a working port cove. Ms. Swan stated bell services are not offered. Commissioner Matheson asked if they have executive clientele stay at the hotel. Ms. Swan explained they have different clientele. She gave the history of the hotel and its originator. She

assured there is a niche for this type of business. Commissioner Matheson suggested the Marriott Inn is more welcoming. Ms. Swan said the Marriott serves single night clients, while this is a weekly stay hotel. Commissioner Matheson indicated many places he stays at has amenities such as a lounge and exercise facility. He believes it would be nice to have something else to do besides sitting in your room. Ms. Swan replied a lounge is not part of the prototype. She stated their clients don't ask for or expect the additional amenities. They only want a safe, clean place to stay. Commissioner Matheson asked if there was a conference room or exercise room. Ms. Swan said that is not part of their amenities or prototype. Commissioner Matheson could understand eliminating a pool, but said you don't need to be an executive to want to exercise. Mr. Gurski reminded an individual could pay for a few days at a nearby gym. Ms. Swan said the cost of a room is \$219.00/week for a studio single with \$10.00 extra per night for an additional adult.

Commissioner Mills asked if the applicant was saying this hotel is not for families. Ms. Swan assured families do stay at the facilities, depending on the situation. She mentioned double units can have up to four people in one room.

Commissioner Clayton wondered what would happen if the owner sold the building. Ms. Swan indicated if another purchaser comes in, it must act as a Value Place. Commissioner Conder inquired how many customers stay over one month. Ms. Swan did not have that data, but said she will research the question and let the Commission know the answer. She informed that after hurricane Katrina, residents who were displaced stayed up to eight months at their Value Place Hotel in that area.

Commissioner Mills commented that if a customer stayed there a week while working, there are still many hours in the day for the customer to want to do something besides staying in their room. Ms. Swan said additional amenities increase their insurance premiums because of additional safety issues.

Commissioner Matheson asked if there was room service or a laundry service. Ms. Swan answered no, but noted there are irons and ironing boards on the main floor in the laundry room. She said they have a regular cleaning service with maids, similar to other hotels. Commissioner Clayton asked if there would be security glass in the lobby area by the front desk. Ms. Swan said no, it would be an open area.

Commissioner Conder worried that people struggling financially, who are only able to live week by week will move in for a long term stay. Nicole Cottle assured reasonable conditions could be placed, but a time requirement for a stay may be difficult. She noted conditions can only be set if detrimental. She explained that the length of stay does not affect the land use issue. Ms. Swan

informed that if a customer stays over one week, they must check in weekly at the front desk. She said other hotels allow customers to stay up to two months without ever checking in at the front desk other than the initial check-in and check-out. Commissioner Clayton and Acting Chairman Fuller worried that the Planning Commission was having difficulty with the concept of the business rather than the land use. Commissioner Mills asked if the proposed brick was adequate. Acting Chairman Fuller said the ordinance calls for masonry, and he wondered if the product was actually masonry. He assured this issue could be addressed during a future Study Session. Acting Chairman Fuller was concerned about weathering of the brick panel 20-years in the future. Mr. Gurski reminded it is a new product and said he will supply the additional specifications to the Commission at a future Study Session. Nicole indicated if the brick panel is not a true masonry product, then the alternative condition would be full brick in the areas specified. Ms. Swan told the Commission that if they were required to place full brick on the building, the economics of this site may not work, as brick would cost approximately five times more. Commissioner Matheson confirmed hardy plank would be placed in the other locations on the building and was told that was correct. Mr. Gurski suggested this building will be more attractive than anything else currently in the area. He thought clients would go to the Valley Fair Mall and invest in other city businesses. Commissioner Mills asked how graffiti will be cleaned if placed on the brick panel. Ms. Swan said there will be a reserve set-aside for building repairs. She noted the brick panel can easily be repaired. Ms. Swan commented that additional structural bracing would also be required with a real brick exterior.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Conder moved for approval subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. That the south side of the building entrance be expanded with landscaping and gathering space. This would mean that the 20' wide section of sod adjacent to the sidewalk on 3500 South would need to be reduced to 10' wide to allow ten more feet of gathering area at the south end of the hotel. This gathering space should be integrated with colored and or stamped concrete and landscaping.
2. That the parcel with the tax identification number of 1527452030 be landscaped as part of this project. This parcel is located on the south west corner of the property. The landscaping of this parcel would create a more uniform feel to the project and eliminate a 15' wide rectangle of weeds.

3. That a speed bump be placed near the entrance of the hotel in the west drive aisle that runs north to south.
4. That the applicant shall submit complete construction plans that are in compliance with all city ordinances and codes for West Valley City.
5. That the applicant must submit a building permit application for signs as shown on the plans, as granted through the Board of Adjustment Variance, and with compliance with regulations for signs contained in Title 11 of the West Valley City Code.
6. That a valid West Valley City Business License be reviewed and approved prior to any business functions at this location and after all building permits and a certificate of occupancy have been reviewed and approved.
7. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
8. Specifications for brick panel shall be submitted to the Planning Commission for their review at a future Study Session. If the brick panel specifications are not approved, real brick must be placed on the building.
9. Window treatments shall be placed on the south portion of the building facing 3500 South. These window treatments shall at least match window treatments on the west building elevation.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – C-19-2007 – Approved

C-25-2007

Chou Lim, Café Trang
2836 South 5600 West Suite 1
General Commercial (C-2) zone 2.48 acres

Ms. Hannah Thiel presented the application.

Legal Authority

7-6-1000 Commercial Zones Conditional Uses

Background

Café Trang is requesting a conditional use approval for a license for liquor sales located at 2836 South 5600 West. A license for liquor sales is a conditional use in a C-2 or general commercial zone. This property is located in Lighthouse Plaza and occupies 2.48 acres of land. The General Plan designates this property as medium density residential (6-10 units/acre), and/or general commercial.

Café Trang currently has a license for a restaurant that operates from 11:30 am until 9:00 pm Monday through Thursday and from 11:30 am until 9:30 pm Friday and Saturday. Café Trang has already submitted a sign permit and has been approved for a wall sign in compliance with the West Valley City sign ordinance. Café Trang has already submitted a building permit application for changes inside the building and does not plan to change any of the building any further for this application.

The property on the south, north, and east sides of 2836 South 5600 West are zoned C-2 and is designated medium density residential and/or general commercial under the General Plan. The west side of the property is zoned RM being designated by the general plan as medium density residential. A corner of the south side of 2836 South 5600 West is zoned R-1-10 and is also designated by the general plan for medium density residential. As most of the surrounding uses are zoned commercial, and a liquor license would not change the restaurant use at this location, staff does not see this use adversely affecting neighbors or neighboring zones.

Applicant:

Chou Lim

2836 South 5600 West

Discussion: Commissioner Mills asked what the laws were regarding liquor sales being located near residents. Nicole Cottle replied that Utah State licenses facilities requesting liquor licenses, and those businesses must meet all the State requirements. She said this approval is the last requirement of the business. Nicole explained that West Valley does not regulate liquor sales, but they do regulate beer sales. She stated the only establishments regulated with this liquor sales are schools, daycares, churches, and similar situations.

Ms. Chow Ling told the Commission that this franchise will be their fifth in Utah. They have been open for one month, and currently sell beer. She said they are losing business from weddings, receptions, and customers due to not being able to serve wine.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Mills moved for approval subject to any issues raised at the public hearing as well as the following condition:

1. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Unanimous – C-25-2007 – Approved

APPLICATION #C-26-2007 WAS PULLED BY THE APPLICANT AND NOT HEARD AT THIS PUBLIC HEARING.

SUBDIVISION APPEAL:

**Larry Bunkall – Appeal of a staff decision
3897 West 3800 South
A Zone**

Mr. Steve Lehman presented the application.

BACKGROUND:

Mr. Larry Bunkall approached staff about the possibility of dividing the back portion of his property into an additional building lot. Staff invited Mr. Bunkall to attend a development review meeting where his concept could be reviewed. The development review meeting is a good place to start any development process because applicants can meet with other City Departments and outside agencies to ask questions and receive information applicable to their project.

During this meeting, Mr. Bunkall inquired about the possibility of doing a lot split in order to divide the south part of his property to create a new building lot. Mr. Bunkall stated that access would be gained from the existing public street and explained that the plan would call for the street to end in a private driveway.

After evaluating the request, Mr. Bunkall was informed that his proposal to subdivide his property by lot split was not the appropriate method because Eagle Heights Drive would need to end in a cul-de-sac or extend to the west boundary of his property. Either of these options would result in right-of-way dedication which would require a minor subdivision application. Staff informed Mr. Bunkall of this decision in a letter dated July 3, 2007. It is this determination that Mr. Bunkall is appealing.

The subdivision ordinance contains a lot split provision that allows owners of property, which may be divided into no more than two legal sized lots, to divide their property with a minimum of time and expense. Lot split applications are reviewed at a staff level bypassing the Planning Commission and City Council.

Although a lot split application is processed more quickly than a standard subdivision, the approval is based on the compliance with laws and ordinances of the City with respect to street improvements, zoning, flood control lot configuration etc. In this case, the Public Works Department stated that the most appropriate way to address this matter would be to install a cul-de-sac or extend the stub street to the west boundary of the Bunkall property.

The subject property is located adjacent to the Stonebrook Subdivision which was recorded in April 2003. During the City's review of this subdivision, Mr. Bunkall requested that a stub street be provided to the back portion of his property. The intent of this connection would allow the applicant to develop his property in the future. Although Ivory Homes was providing a stub street south of this location to access vacant land to the west, Ivory agreed to provide a stub street to the applicant's property as well. (See attached map)

A thorough review of how this stub street would end or continue was not conducted on Mr. Bunkall's property because it was not part of the Stonebrook

Subdivision plat. However, the stub street location was evaluated by staff during the preliminary review process. It was determined that this location would work to create two lots bisected by the extension of the stub street. A more formal review would take place at such time as Mr. Bunkall developed his property.

Stub streets are quite common where new or older developments exist adjacent to vacant property. There are many stub streets in the City that have yet to be completed or extended. In a letter to Mr. Bunkall, staff explained that although dead end streets do exist in the City, they are generally there because of poor county planning or exist as a result of land use changes.

The Public Works Department requires that these types of stub streets end appropriately because of safety concerns. As staff noted in Mr. Bunkall's letter, if residential connections are not made, or if approved terminating options are not used, the dead end street becomes difficult for snow stacking and garbage collection. Both of which create safety concerns as large trucks would be required to back up in order to turn around. A cul-de-sac would allow larger trucks to turn around without having to back up.

ORDINANCE SUMMARY:

Section 7-19-403 of the City Code reads:

(1) Appeal may be made to the Planning Commission of any decision of the Community and Economic Development Director by any aggrieved person or by any officer, department, board or agency of the City affected by such action. Appeals shall be made by filing, in writing, with the Secretary to the Planning Commission within 10 days after the decision is made. The appeal will be heard by the Planning Commission at its next regularly scheduled meeting. The Planning Commission may affirm, modify or overrule the decision of the Community and Economic Development Department. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Planning Commission.

Applicant:
Larry Bunkall
3897 West 3800 South

Favored
Matt Bunkall
750 N. 200 W., #34

Discussion: Mr. Matt Bunkall told the Commission that he is Larry Bunkall's son. He said he is the person who would like to develop and use the road. Matt Bunkall distributed examples of similar circumstances throughout West Valley City in regards to how they would like to utilize the road. He noted existing homes in West Valley are able to access similar type roads without requiring a cul-de-sac or through street. Matt indicated if he was required to build a cul-de-

sac or through road, he would be required to bare the burden of the cost of the road. He said the road cost for only a single family home, which is what they plan to build, would be over \$30,000.00. Matt understands the price may be feasible if shared between many homes to be developed, but this is only a single residential development. The best usage of the property is an issue, as a cul-de-sac or road would reduce approximately 8,000 square feet from the property, reducing the lot value significantly. He noted the appealing characteristic of this property is its large size. Matt stated the home would also be required to have setbacks from a road, narrowing the side and rear yard areas. He perceived this appeal is a reasonable request.

Commissioner Matheson asked if the property would be split in the middle of the lot. Matt indicated there is currently a chainlink fence, creating a natural split. He said a house would be built directly east of the Eagle Heights stub road.

Commissioner Matheson inquired how access would be made to the north parcel. Matt stated there is already an existing road that connects the north parcel to 4000 West. Commissioner Matheson stated the road off of 4000 West is a private driveway, and asphalt is not proposed going north into the other lot. Matt acknowledged this is correct. Commissioner Matheson's concern was where the surface water would go. He assumed that when Ivory built the street, that the surface water was taken care of and it flows to the east. Steve Lehman suspected that Eagle Heights Drive has a catch basin and the water probably runs to the east. Commissioner Matheson asked if there were utilities stubbed in the street. Matt answered yes, all the required utilities are in the street as well as a fire hydrant on his father's side which could be accessed through the property line.

Commissioner Matheson understands what the applicant is proposing and said it might work if the driveway is sloped down to the asphalt. If any asphalt is placed any farther than just this driveway, he would be concerned about where the surface water would go. He noted the Commission is subject to everything the Public Works Department says regarding where things should be located.

Normally he would suggest that the applicant should do whatever staff recommended originally, as the road was intended to either go through or to cul-de-sac. Commissioner Matheson said when the Ivory Subdivision was approved, the Commission assumed there would be a road going to the west property line or end in a cul-de-sac. This was part of the Ivory Development approval, or Ivory could have knuckled the corner and probably built another lot. They accommodated the City when they received approval. He said that since the driveway goes directly to the asphalt; there is access to utilities; and there is not a surface water problem, he would probably approve this application.

Commissioner Conder asked Steve Lehman about the applicant's proposal. Steve said there is insufficient road width to connect to 4100 South and very little development opportunities. He noted the applicant's examples show cases where stub roads have been created, but many were under Salt Lake County's jurisdictions. Steve reminded that the City tries to end stub streets with a cul-de-

sac, as they are public streets. Commissioner Fuller asked if Larry Bunkall's lot would be considered a flag lot. Steve said it is by the definition. He further explained that the applicant has access out to 4000 West. The Grant, Bunkall and Smith property has older homes. When the Bridlevale Farms Subdivision went in to the north, there was discussion that 3800 South extend to the east, but that was not done. So by default, the Grant and Bunkall are essentially extensions of flag lots off of a private driveway. Commissioner Matheson asked if the property would be large enough in proportion to the adjacent lot on the lot split to be considered a flag lot. Steve replied yes, that Matt would be required to have one-half an acre minimum lot size. Since Matt's lot would have access off of a dedicated street, it would not be considered a flag lot, so Matt's lot would not need to be 1.25 larger than the zone requires. Commissioner Mills asked about snow removal and garbage pick-up. Matt indicated the large snow removal machines have the ability to direct snow where they want it to go so the snow will not impact the driveway significantly. He understands he may have to shovel out occasionally, but noted other residents are sometimes required to do the same. Matt told the Commission the home to the east places garbage in the middle of their lot. He said he will make the accommodation to transport his garbage can to the same location to accommodate the garbage truck when picking up the container.

Commissioner Conder mentioned the Bunkalls won't live at that location forever. He was concerned about the next property owners agreeing to these same conditions. Matt assured a condition could be placed on the sale of property stating the following property owners must meet City requirements upon sale. Commissioner Conder asked if the applicant had consulted adjacent neighbors regarding this proposal. Matt replied he has not discussed garbage or other issues with the neighbors. Commissioner Mills asked Steve Lehman how many homes could be built with only one access on the adjacent vacant property. Steve answered approximately 17 lots could be developed on one acre and the fire department will service 30 units with a single access. Matt informed that there will be three points of access once the vacant property is developed.

Mr. Larry Bunkall told the Commission he wants to use the property for the best use while trying to utilize as much property as possible. He assured a beautiful home with great landscaping will be built. Larry anticipates a better addition than what is currently at this location. He distributed a map to the Planning Commission showing the subdivision of the property. The map showed a three-car garage which would just about cover the entire road at its end. There will also be a small area where Larry will be able to access the road to access his property. Commissioner Matheson asked how much property Larry would have left and was told about one-acre. Commissioner Matheson mentioned Larry's lot would need to have at least $\frac{3}{4}$ of an acre to qualify for a flag lot. Larry explained that if approved as a split lot, it would define how his future lot would be used. Steve

Lehman commented that staff has not viewed Mr. Bunkall's proposal, so nothing has been determined regarding how the properties would be divided. Staff was under the assumption that the properties would be divided in half, similar to Matt's drawing. If Larry's type of lot configuration is submitted, it would need to be evaluated by staff. Since Larry's lot is already a flag lot, if he were to come today with this proposal without his lot being considered a flag lot, that process would be brought before the Planning Commission like every other flag lot. Larry agreed that if he tried to divide his remaining property, he would come to the Planning Commission not as a split lot, but for the full granting of authority by all City groups. Steve said if Larry's new drawing creates a flag lot, staff would most likely allow the lot split to occur since Larry's lot is already a flag lot. He wanted to verify that when this meeting ends, regardless of the outcome, that if this proposal is presented to the City, that it will not need to be presented to the Planning Commission in the future with a formal plat. Commissioner Clayton asked if this new plan was submitted at the Development Meeting and reviewed by staff. Steve answered no, staff thought the south portion of the property would be divided off for a new single dwelling. It was assumed the property would be split down the middle from east to west. Commissioner Clayton asked if this new information changed this situation. Steve explained he would need to discuss the situation with the City's legal council. He wondered if it would become a formal review since there is already a flag lot, and if Matt's lot is then created, by default Larry would have a second access into his flag lot. Nicole Cottle said no, she did not believe that would be the case in this situation. Steve reminded that flag lots are brought to the Planning Commission due to special requirements such as lot size. He said Larry has a very large lot, and if this new design is used which has a new stem to Larry's property, he wants the Commission to understand it can be heard has lot split instead of a minor subdivision.

Commissioner Clayton suggested more time may be needed for staff to review the new plan. Larry explained he did not intend the new plan to be new information. He said if the split line was extended to the far east side of his property, nothing would prohibit him from quick-claiming it back to himself. Larry said nothing has changed and he is only showing the Commission what his intent is.

Commissioner Matheson said he would have approved the original plan, not allowing access to other lots, but the new plan brings in a new dimension. He said a 24-foot wide access would be required, and it would need to qualify as a flag lot. Steve suggested the line at the bottom be drawn from east to west. If Larry wants to acquire an easement from that, it would be fine. If he ever came back to the City to subdivide property to the north, he would need to go through the City's formal process. If an easement is requested in the future for Matt, that would be staff's preference. Larry mentioned that with the current drawing, there is no question about the percentage of the remaining lot. He would like the option at a later date to use the road, as it is a quicker way for him to get to his church. He

believes he has the legal right to access the street, as the road comes to the property line, but the infrastructure crosses his property line. Larry said he has the legal right to access the stub road right now and nothing has changed.

Commissioner Matheson indicated a paved road would be required to make this a flag lot. Steve agreed that a 20-ft. minimum paved access would be required for the flag lot per the ordinance. Commissioner Clayton reminded that the question before the Commission is to determine if staff made an error when they made the determination. He did not believe changes could be made. A continuation would be best so that the issues can be resolved between staff and the applicant. Nicole agreed that the issues the Commission have discussed are subdivision issues, and those issue can be determined in the future whether it is a lot split or a subdivision. The real issue is did staff error when they made their determination – yes or no. The technicalities will be determined once a decision is made by the Planning Commission. Commissioner Clayton was having difficulty knowing what staff's decision was based on. Acting Chairman Fuller said staff rejected the application due to snow removal and garbage pick-up issues. They knew someone would be driving on that lot, and there would be a house on that lot. Nicole explained that if there is no cul-de-sac or through street required, then this property can go through a lot split procedure. If, like staff suggested, a cul-de-sac or through street is required, it must go through a minor subdivision procedure. The question for the Planning Commission is was the determination of staff for a through street or a cul-de-sac the right determination. Commissioner Matheson said if he was staff, the only thing he could do would be to determine that the street would go to the west property or would end in a cul-de-sac. He believes that is the right determination that they made in this case. Commissioner Conder understands what is being attempted, but he believes staff made the correct decision. He said there could be some clever designs to make something work out, but the City plans for orderly development. Commissioner Mills stated it does not seem morally or ethically right to mandate exactly how this property owner determines to subdivide his property. The applicant has a vision to have a single family home. She perceived the issue might be the double driveway access verses a single driveway only for snow removal issues. Commissioner Mills did not know if she could support the need or the desire for a cul-de-sac or a through street

Mr. Larry Bunkall thought he was confusing the Commission with his intentions for the future. His priority is to create a lot for his son. He endorses fully that there is one building and one access on this lot. Commissioner Conder said part of the precedence with this type of use, has happened in the past, but there has been bad planning in the past. If approved, it sets precedence. Commissioner Clayton reminded that the intent is not what the Commission should be making a decision on, but a decision must be made on what was reviewed by staff.

Mr. Larry Bunkall urged the Commission to understand that his plan makes sense.

If a cul-de-sac was built, two-thirds of the width of the property will be covered by a cul-de-sac. The property is 150 feet wide in the widest portion and shortens on the south end. If a 100-foot cul-de-sac was placed, he questioned if a home would be desirable on the remaining property. He said what you would end up with is a lot approximately 50 to 60-feet deep by 125-feet wide. The setback will not be sufficient on the north and south sides of the future home. If a road is placed or cul-de-sac is built, no home can be built. It must be reversed because if road is built, he can not let his son build a home.

Acting Chairman Fuller closed the public hearing at 6:22 p.m.

Acting Chairman Fuller wondered why the City would want additional asphalt due to the placement of a road or cul-de-sac. He said it would serve no purpose and would not help anyone, as it would only go to one house.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Matheson stated the Planning Commission does not find that a problem would exist by allowing the stub street to end in its current configuration. Therefore, it is the recommendation of the Planning Commission that the applicant be allowed to proceed with the lot split application as described in their appeal letter. However, a recommendation to staff that no access will be allowed directly to any other lot.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Clayton	No
Commissioner Conder	No
Commissioner Matheson	Yes
Commissioner Mills	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Split vote – Appeal for Larry Bunkall – Motion does not pass

Discussion: Commissioner Clayton said it is the applicant's property, and ultimately, and he should be able to develop it.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Clayton stated the Planning Commission does not find that a problem would exist by allowing the stub street to end in its current configuration. Therefore, it is the recommendation of the Planning Commission that the applicant be allowed to proceed with the lot split application as described in their appeal letter.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	No
Commissioner Matheson	No
Commissioner Mills	Yes
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Split vote – Appeal for Larry Bunkall – Motion does not pass

Discussion: Mr. Larry Bunkall asked the Planning Commission to please deny the application so that he could appeal to the City Council.

There being no further discussion regarding this application, Acting Chairman Fuller called for a motion.

Motion: Commissioner Conder stated the Planning Commission finds that the Community Development Department did not error in its determination regarding the lot split decision as the existing stub street will need to extend to the west boundary of the Bunkall property, or end in a cul-de-sac.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Acting Chairman Fuller	Yes
Chairman Woodruff	Absent

Majority – Appeal for Larry Bunkall – Denied

PLANNING COMMISSION BUSINESS

Approval of minutes from June 27, 2007 (Regular Meeting) - **Approved**
Approval of minutes from July 11, 2007 (Regular Meeting) - **Continued**
Approval of minutes from July 25, 2007 (Regular Meeting) - **Continued**
Approval of minutes from August 1, 2007 (Study Session) - **Approved**

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant